

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:19-cv-249-FL**

MATTHEW BRADLEY

Plaintiff,

- against -

ANALYTICAL GRAMMAR, INC.

Defendant.

DECLARATION OF RICHARD LIEBOWITZ

I, Richard Liebowitz, hereby swear under the penalty of perjury that the following is true and correct to the best of my personal knowledge.

1. I was lead counsel of record for plaintiff Matthew Bradley (“Plaintiff”) in the above referenced case until March 19, 2021, when the Court entered an order disqualifying me as counsel. [Dkt. No. 68]

2. I submit this declaration in opposition to Defendant Analytical Grammar, Inc. (“Defendant”)’s motion for monetary sanctions pursuant to 28 U.S.C. §1927 and the Court’s inherent power.

4. Attached as Exhibit A is a true and correct copy of and e-mail between Dan Booth, Esq. and me, dated September 17-18, 2019, in which I conveyed an offer to settle matter for \$5,500. Booth’s response was “Our client expects to prevail and does not accept your offer.” No counter-offer was issued.

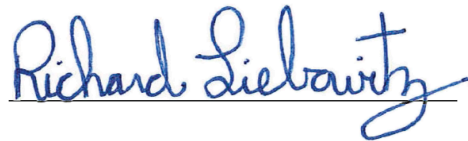
5. Attached as Exhibit B is a true and correct copy of and e-mail between Dan Booth, Esq. and me, dated October 7, 2019, in which Booth indicated that the parties would attempt to settle the matter.

6. Attached as Exhibit C is a true and correct copy of and e-mail between Dan Booth, Esq. and me, dated October 8, 2019, in which I conveyed an offer to settle the matter for \$500. Booth responded later that day that “Analytical expects to prevail on the merits and does not accept your offer.” Booth further stated that “My client is both outraged and resolute about this bait-and-switch lawsuit” and would only settle if Plaintiff paid the full amount of Defendant’s legal fees.

7. Attached as Exhibit D is a true and correct copy of a letter, dated December 14, 2020, transmitted by my outside ethics counsel, Michael S. Ross, Esq. to the Clerk of Court for the United States District Court for the Eastern District of North Carolina, showing that the Clerk was notified of my interim suspension from the practice of law in the Southern District of New York.

8. ~~Attached as Exhibit E is a true and correct copy of an e-mail between Plaintiff and me, dated February 17, 2020, which shows the Plaintiff’s proposed settlement offer after the mediation had taken place. I respectfully request permission to file this attorney-client communication under seal.~~

Dated: August 30, 2021
New Rochelle, NY



RICHARD LIEBOWITZ